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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,889	07/26/2000	Ted Chongpi Lee	LEE 4	8036

7590

08/19/2003

MOSER, PATTERSON & SHERIDAN LLP  
595 SHREWSBURY AVE  
SUITE 100  
SHREWSBURY, NJ 07702

EXAMINER

LEI, TSULEUN R

ART UNIT

PAPER NUMBER

2686

DATE MAILED: 08/19/2003

5 REMAIL

Please find below and/or attached an Office communication concerning this application or proceeding.



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26291 7590 07/08/2003

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# Office Action Summary

Application No.

09/625,889

Applicant(s)

LEE, TED CHONGPI

Examiner

TSULEUN R. LEI

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Machemer et al. (U.S. Patent 5,513,173).

Regarding Claim 1, Machemer teaches a method for managing adjunct access for a circuit in a network management system, the method comprising the step of: providing a respective manageable link representing each non-managed portion of the circuit, responsive to a determination that a non-managed portion of the circuit exists (Fig.3; Col.2, Line 45 to Col.3, Line 6; Col.6, Lines 9-22).

Regarding Claim 5, Machemer teaches a method for designing a continuous circuit, comprising the steps of: determining whether a non-managed portion of a circuit exists; and providing a link between each non-managed portion of the circuit and proximate managed

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portions of the circuit, said link being characterized as a carrier link by a network management system (Fig.3; Col.2, Line 45 to Col.3, Line 6; Col.6, Lines 9-22).

Regarding Claim 9, Machemer teaches a method comprising the steps of: receiving a request to provision a circuit; selecting a path for said circuit within a network comprising a plurality of network elements; assigning links bridging non-managed portions of said circuit path; and characterizing said assigned links as carriers (Fig.3; Col.2, Line 45 to Col.3, Line 6; Col.6, Lines 9-22).

Regarding Claim 10, Machemer teaches the method of claim 9, further comprising the step of: determining if cross-connect network elements exist for bridging non-managed portions of said circuit path to managed portions of said circuit path; and assigning available cross-connect network elements to appropriate links bridging non-managed portions of said circuit (Fig.3; Col.2, Line 45 to Col.3, Line 6; Col.6, Lines 9-22).

Regarding Claim 11, Machemer teaches the method of claim 9, wherein said non-managed portions of said network comprise at least one of adjunct access facilities or leased facilities (Col.2, Lines 20-30).

Regarding Claim 12, Machemer teaches an apparatus for designing a continuous circuit, comprising: a processor and an associated storage device including instructions for controlling said processor, said instructions, when executed, causing said processor to perform the steps of:

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determining whether a non-managed portion of a circuit exists; and providing a link between non-managed portions of the circuit and respective proximate managed portions of the circuit, said link being characterized as a carrier link by a network management system (Fig.3; Col.2, Line 45 to Col.3, Line 6; Col.6, Lines 9-22).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4, 6-8, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Machemer in view of Christie (U.S. Patent 6,201,812) and further in view of Owens et al. (U.S. Patent 6,415,150).

Regarding Claim 2, Machemer teaches the method of claim 1, but fails to teach what the link is coupled to. Christie, however, teaches that respective manageable link is coupled to at least one of a Digital Cross Connect (DCS) (Christie, Col.2, Lines 41-49), and Owens teaches that respective manageable link is coupled to at least one a Light wave Guided Cross Connects

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(LGX), and a Distribution Drop Point (DDP) (Owens, Col.8, Lines 20-25; Col.6, Lines 20-28).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teachings of Christie and Owens to the teaching of Machemer, so the link coupling is clearly specified.

Regarding Claim 3, Machemer as modified by Christie and Owens teaches the method of claim 2, wherein each respective manageable link comprises at least one of a fiber optic cable, a twisted copper pair, and a coaxial cable (Christie, Col.4, Lines 61-65).

Regarding Claim 4, Machemer as modified by Christie and Owens teaches the method of claim 2, wherein said links comprise at least one of a digital carrier and an optical carrier (Christie, Col.4, Lines 61-65).

Regarding Claim 6, see Claim 2 for the teaching of Machemer, Christie and Owens.

Regarding Claim 7, see Claim 3 for the teaching of Machemer, Christie and Owens.

Regarding Claim 8, see Claim 4 for the teaching of Machemer, Christie and Owens.

Regarding Claim 13, see Claim 2 for the teaching of Machemer, Christie and Owens.

Regarding Claim 14, see Claim 3 for the teaching of Machemer, Christie and Owens.

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Regarding Claim 15, see Claim 4 for the teaching of Machemer, Christie and Owens.

*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. Richard Lei whose telephone number is 703-305-4828. The examiner can normally be reached on 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, <sup>Dwayne Best</sup> ~~Dan Hunter~~ can be reached on 703-<sup>305-1778</sup> ~~308-6732~~. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5403 for regular communications and 703-308-5403 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

TRL

TRL

June 27, 2003

  
ERIKA GARY  
PATENT EXAMINER